

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

UNITED STATES OF AMERICA,))
)	Case No. 17-cr-00134 (WMW-DTS)
))
Plaintiff,)	DEFENDANT'S MOTION FOR
)	GOVERNMENT AGENTS TO
v.)	RETAIN ROUGH NOTES
))
John Kelsey Gammell,))
))
Defendant.))
))

The Defendant, John Kelsey Gammell, pursuant to 18 U.S.C. § 3500 and *Brady v. Maryland*, 375 U.S. 83 (1963), moves the Court for an order requiring any law enforcement agent, including any confidential reliable informants, to retain and preserve all rough notes taken as a part of their investigation, whether or not the contents of such rough notes are incorporated in official records, on the following grounds:

1. Rough notes are considered statements within the meaning of 18 U.S.C. § 3500(e)(1). *See United States v. Gaston*, 608 F. 2d 607 (5th Cir. 1979).
2. Destruction of rough notes by law enforcement officials usurps the judicial function of determining what evidence must be produced. *United States v. Harris*, 543 F.2d 1247 (9th Cir. 1976).
3. The rough notes may contain facts favorable to the defense. The motion is based on the Indictment, and upon all the records and proceedings herein, any testimony as may be presented at the motion hearing, and any briefing that the court may require.

Dated: August 18, 2017

By s/Rachel K. Paulose

Rachel K. Paulose
DLA Piper LLP (US)
Attorney ID No. 0280902
80 South Eighth Street, Suite 2800
Minneapolis, Minnesota 55402-2013
Telephone: 612.524.3008
Facsimile: 612.524.3001
rachel.paulose@dlapiper.com

ATTORNEY FOR DEFENDANT